

REMARKS

Claims 2-29 are pending in the application.

Summary of the Claimed Subject Matter

- 5 Applicant has cancelled claim 1 and provided a new independent claim 28, which is simplified and otherwise changed from claim 1.

10 Para. (d) of claim 28 recites “a means to enable immediate, unscripted two-way communication of said supply client computers matching demand parameters.” In support, Para. [0063] of the subject specification, published at US 2002/0034292 A1, recites various communication means such as cellular telephone or e-mail. These forms of communication allow two-way communication that is unscripted, so that a user can engage in impromptu communication, saying anything he/she wants. Of course, the recipient of a cellular
15 telephone call or email can simply choose not to answer, but immediate, unscripted two-way communication was still enabled. (Further references to four-digit paragraph numbers within square brackets all concern the foregoing published application.) In further support, Para. [0041] tells about a taxi driver who can locate users on a map and “can contact user with his mobile phone anonymously as described below.”

- 20 For clarity in discussing the claimed invention as well as the prior art, these remarks will refer interchangeably to a “demand person” or “person A,” and to a “supply person” or “person B.” A “person” could be a business consisting of more than one person. The demand or supply person is associated with the claimed demand or supply client computer, respectively.

A key feature of a supply person—according to claim 28—is that such person, which has a supply (e.g., service) post his/her location information, a means to enable a demand person to make immediate, unscripted two-way communication with them, and a search parameter.

5 A key feature of a demand person—according to claim 28—is that such person be able to search a search area for supply persons meeting at least one search parameter (e.g., available taxi), learn location information about matching supply persons, and be enabled to make immediate, unscripted two-way communication to a supply person. As mentioned above, the supply person can, if they wish, decline to respond to a cellular telephone call or other communication.

10 The specification at Para. [0043] teaches that “[i]n some cases demand client can also be a supply client.” For that purpose, according to claim 28, the demand client would need to fulfill the requisites a supply client as mentioned above (e.g., posting location information).

The “location information” mentioned in claim 28 can be simply the search area in which the supply person is located, which can be imprecise. Various claims such as 12, 13 and 29 more
15 specifically define “location information” of a supply person that can be seen by a demand person as “geographic location information.” As is known, geographic location or position defines (to within some degree of accuracy) the exact position on the Earth’s surface of an object according to standard longitude and latitude, and excluding distance of object from the center of the Earth. As such, a demand person having geographic location information of
20 various supply persons can, for instance, see the locations of those supply persons on a map.

Thus, according to the invention of claim 28, for instance, a demand person—such as a taxi driver—can search within a selectable search area for all supply persons—such as persons wanting a taxi ride. The demand person will be given search results of the available supply persons, thereby knowing their “location information”—e.g., all supply persons within 0.2
25 miles—and having a means to enable immediate, unscripted two-way communication with

any located supply person. According to claims 12, 13 and 29, the demand person will be specifically given the geographic location information of each of the located supply persons.

The present method of matching supply and, as described above, is appropriate for supply persons who wish to reveal their "location information" or "geographic location information" as well as the means to enable a demand person to make immediate, unscripted two-way communication with them. The present method would not be suitable for supply persons who do not wish to reveal the foregoing location information or to enable a possibly unknown demand person to make immediate, unscripted two-way communication with them.

10 **Grounds of Rejection**

The examiner rejected claims 1-6, 11 13-16 and 18-16 under 35 USC 103(a) over US Patent 6,819,919 to Tanaka ("Tanaka") in view of US Patent 6,525,768 to Obradovitch ("Obradovitch"). Claim 12 was rejected over the 35 USC 103(a) over the foregoing combination of references and further in view of US Patent 6,480,885 to Olivier ("Olivier").

15 Various other claims were rejected under 35 USC 103(a) over the foregoing combination of references, in further view of one or more other references. For the reasons set forth below, Applicant needs only reach the rejection over Tanaka and Obradocitch to show patentability of the pending claims.

20 **Description of Tanaka**

Tanaka discloses a "personal matching/meeting service" (Col. 1, lines 16-18). This "personal" matching/meeting service may be used for dating services. Tanaka teaches a method of matching in which a supply person (i.e., person B), does not reveal their geographic location, and in which the demand person can only contact person B with a pre-scripted "request to contact" person B. Thus, Tanaka teaches:

Once a user has submitted a request, he or she receives a reply from the server containing accessible portions of Public Images of other users matching the requesters query. The user reviews the search results via the MU and interacts with the search results much in the same way WWW users interact with results from search engines. The user views the Public Images and decides whether or not to **request to contact** the owner of a specific Public Image. The **request to contact** the owner of a Public Image is initiated by sending the requester's (Person A) PublicImage to the desired recipient (Person B). If Person B is not a member of any access control group previously defined by Person A, Person B accesses Person A's PublicImage with "Public" access permissions, containing the most limited information from Person A's Public Image. Included in this **request for contact** is a list of preferred means of contacting Person A. Person B can choose to accept or reject the request for contact from Person A. If Person B chooses to accept the request, Person B must choose a method of responding.

Col. 4, lines 17-34 (emphasis added).

Tanaka is highly motivated not to disclose any personal contact information of any of the users. Thus, Tanaka continues: "**The system supports secure contact, in which no personal contact information is disclosed.** For example, an email message can be sent through the server without **revealing either person's private email address or location.** Col. 4, lines 34-38 (emphasis added). In particular, the foregoing teaching of Tanaka states that the "location" of person B—that is, the geographical location of person B—is not revealed.

Description of Obradovitch

Obradovich discloses a system for receiving geographic location information from a user and a third party (Col. 10, lines 35-36; Col. 11, lines 64-65) and providing the geographic location information of the user and the third party to the user of the third party through a displayable map (Col. 12, lines 11-19). In particular, Obradovitch describes how data is received from third party (other user) by using phone and radio communication links directly from third party's mobile unit. *Id.* However, showing a user's geographic location on a map

does not occur until direct connection has been established between user and the third party, i.e., by calling the third party. Col. 12 lines 11-14.

Description of Olivier

5 Olivier teaches geographic location of a user being obscured by using a small geographic area instead of the exact location. Col. 15, lines 43-51.

ARGUMENT

10 **Point 1: Applied references fail to teach or suggest claimed combination including “means to enable [a demand person to make] immediate, unscripted two-way communication [to a supply person]”**

Neither Tanaka nor Obradovitch, singly or in combination, teach or suggest the combination of claim 28, including “means to enable [a demand person to make] immediate, unscripted two-way communication [to a supply person].” As mentioned above, Tanaka’s method
15 allows person A to merely to “request to contact” person B (in a scripted manner). In Tanaka’s method, person B has the sole decisionmaking capacity to decide whether or not to make immediate, unscripted two-way communication. Thus, a person B (supply person) in Tanaka’s method can simply refuse a request to contact person A (demand person). Tanaka does not suggest enabling a demand person (A) the prerogative of present claim 28 to make
20 immediate, unscripted two-way communication to a supply person (B).

Obradovitch fails to remedy the foregoing deficiency of Tanaka. Obradovitch allows for showing geographic locations of a user and third party on user’s or third party’s map. But Obradovitch does not suggest altering the method of Tanaka so as to enable a demand person (A) to make immediate, unscripted two-way communication to a supply person (B).

So, claim 28 and all its dependent claims (the rest of the claims) are patentable.

Point 2: Applied references fail to teach or suggest combinations of claims 12, 13 and 29 whereby the “location information” of a supply person given to a demand person comprises “geographic location information”

- 5 Claims 12, 13 and 29 each further define the “location information” of a supply person that is given to a demand person as “geographic location information.” As explained above, geographic location information indicates, to within various degrees of precision, the exact location of an object in terms related to longitude and latitude of the object. The applied references do not teach or suggest revealing to any demand person the geographic location of
- 10 a supply person. This would be particularly inappropriate and even dangerous in the *personal* meeting/matching method of Tanaka, and would be incongruous with Tanaka’s concern of “support[ing] secure contact, in which no personal contact information is disclosed.” Col. 4, lines 34-38. The demand person (A) could be a person with evil intent (e.g., a serial rapist) trying to find victims (supply persons B).
- 15 The *Examiner* suggests a motivation for using Obradovitch’s ability to pinpoint locations on a map of users—including supply persons B—of Tanaka’s personal meeting/matching method for “facilitate[ing] the meeting of users” (Office Action at Para. 59). First of all, Tanaka uses geographic location information of demand persons A and supply persons B only for purposes of performing a search; supply person B’s geographic location information
- 20 is not revealed to demand person A (*see* Col. 4, lines 17-41). Secondly, a *person of ordinary skill in the art* would not find the *Examiner*’s suggested motivation present, instead being far outweighed by Tanaka’s concern of security (and safety!) of supply persons B. Under the caselaw, not any motivation (as by Examiner) will suffice to establish obviousness of a claim: the motivation must be that apparent to “one of ordinary skill in the art.” *In re Jones*,
- 25 958 F.2d 347, 351, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596 (Fed. Cir 1988).

The third applied reference against claim 12, i.e., Olivier, fails to remedy the deficiencies of Tanaka and Obradovich in connection with the safety need in Tanaka's method not to disclose geographic location information of supply persons B. Claim 12 recites the features of allowing supply persons B to obscure their location with predetermined accuracy, instead
5 defining "a possible area in which the [supply person B] is located." However, especially since amended claim 12 recites that "said possible area is much smaller than said search area," Tanaka's concerns of security (and safety) of supply persons B still apply. There might be less danger of a demand person with evil intent locating person B, but still that danger persists. As such, Olivier's teaching would not lead a person of ordinary skill in the
10 art to reveal the geographic location of supply persons B—with some obscurity—to demand persons A.

Conclusion

In view of the foregoing, Applicant submits that the pending claims should be allowed.
15 However, if the Examiner has any unresolved concerns about allowing the claims, he is invited to telephone Attorney Charles E. Bruzga, Reg. No. 28,935 at 212-269-1114.

Appl. No. 09/935,152
Amdt. Dated September 11, 2006
Reply to Office Action of March 10, 2006

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I hereby certify that this correspondence and the documents referred to therein are being deposited with the United States Postal Service as Priority Mail with Delivery Confirmation in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box
5 1450, Alexandria, VA 22313-1450, with sufficient postage on a date appearing below.

Respectfully submitted

September 11, 2006

A handwritten signature in black ink, appearing to read 'Veijo Tuoriniemi', written over a horizontal line.

Veijo Tuoriniemi
Inventor

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